

Form 3015-1 - Chapter 13 Plan

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

CHAPTER 13 PLAN - MODIFIED

In re:

John W Thomas
Dena A Thomas

Dated: October 9, 2012

DEBTOR

Case No. 12-41703

*In a joint case,
debtor means debtors in this plan.*

1. DEBTOR'S PAYMENTS TO THE TRUSTEE —

- As of the date of this plan, the debtor has paid the trustee \$ 0.00 .
- After the date of this plan, the debtor will pay the trustee \$ 200.00 * per Month for 36 months, beginning within 30 days after the order for relief for a total of \$ 9,060.00 . The minimum plan payment length is X 36 or 60 months from the date of the initial plan payment unless all allowed claims are paid in a shorter time.
- The debtor will also pay the trustee
- The debtor will pay the trustee a total of \$ 9,060.00 [line 1(a) + line 1(b) + line 1(c)].

2. PAYMENTS BY TRUSTEE — The trustee will pay from available funds only creditors for which proof of claim have been filed. The trustee may collect a fee of up to 10% of plan payments, or \$ 906.00 , [line 1(d) x .10].

3. ADEQUATE PROTECTION PAYMENTS [§ 1326(a)(1)(C)] — The trustee will promptly pay from available funds adequate protection payments to creditors holding allowed claims secured by personal property, according to the following schedule, beginning in month one (1).

Creditor	Monthly Payment	Number of Months	Total Payments
-NONE-	\$		\$
a. TOTAL			0.00

4. EXECUTORY CONTRACTS AND UNEXPIRED LEASES [§ 365] — The debtor assumes the following executory contracts or unexpired leases. Cure provisions, if any, are set forth in ¶ 7.

Creditor	Description of Property
-NONE-	

5. CLAIMS NOT IN DEFAULT — Payments on the following claims are current and the debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any.

Creditor	Description of Property
a. HEIGHTS FINANCE CORP	1997 Ford F-150
b. SECURITY AUTO LOANS	2001 GMC Safari Mini Van (147,000 miles) PAID OUTSIDE THE PLAN

6. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5) and § 1322(e)] — The trustee will cure defaults on the following claims secured only by a security interest in real property that is the debtor's principal residence. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens. All following entries are estimates. The trustee will pay the actual amounts of default.

Creditor	Amount of Default	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
-NONE-	\$	\$			\$
a. TOTAL					0.00

7. CLAIMS IN DEFAULT [§ 1322 (b)(3) and (5) and § 1322(e)] — The trustee will cure defaults on the following claims as set forth below. The debtor will pay for the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any. All following entries are estimates, except for interest rate.

Creditor	Amount of Default	Int. rate (if applicable)	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
-NONE-	\$		\$			\$
a. TOTAL						0.00

8. **OTHER SECURED CLAIMS; SECURED CLAIM AMOUNT IN PLAN CONTROLS** [§ 1325(a)(5)] — The trustee will pay, on account of the following allowed secured claims, the amount set forth in the "Total Payments" column, below. The creditors will retain liens securing the allowed claims until the earlier of the payment of the underlying debt determined under nonbankruptcy law, or the date of the debtor's discharge. NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. § 1327, AND CONFIRMATION OF THE PLAN IS A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM.

Creditor	Claim Amount	Secured Claim	Int. Rate	Beg. in Mo. #	(Monthly Pmnts) x	(No. of Pmnts)	=	Pmnts on Account of Claim	+	(Adq. Prot. from ¶ 3)	=	TOTAL PAYMENTS
-NONE-	\$	\$			\$			\$		\$		\$
a. TOTAL												0.00

9. **PRIORITY CLAIMS** — The trustee will pay in full all claims entitled to priority under § 507, including the following. The amounts listed are estimates. The trustee will pay the amounts actually allowed.

Creditor	Estimated Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. Attorney Fees	\$ 1,781.00	\$ 178.10	1	10	\$ 1,781.00
b. INTERNAL REVENUE SVC	\$ 4,374.68	\$ Pro rata	10	20	\$ 4,374.68
c. MN DEPT OF REVENUE	\$ 56.00	\$ Pro rata	10	20	\$ 56.00
d. TOTAL					\$ 6,211.68

10. **SEPARATE CLASSES OF UNSECURED CREDITORS** — In addition to the class of unsecured creditors specified in ¶ 11, there shall be separate classes of non-priority unsecured creditors described as follows: **-NONE-**
The trustee will pay the allowed claims of the following creditors. All entries below are estimates.

Creditor	Interest Rate (if any)	Claim Amount	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
-NONE-						\$
a. TOTAL						\$ 0.00

11. **TIMELY FILED UNSECURED CREDITORS** — The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 6, 7, 8, 9 and 10 their pro rata share of approximately \$ **1,942.32** [line 1(d) minus lines 2, 6(a), 7(a), 8(a), 9(d) and 10(a)].

- a. The debtor estimates that the total unsecured claims held by creditors listed in ¶ 8 are \$ **0.00** .
b. The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 8 and ¶ 10) are \$ **81,671.00** .
c. Total estimated unsecured claims are \$ **81,671.00** [line 11(a) + line 11(b)].

12. **TARDILY-FILED UNSECURED CREDITORS** — All money paid by the debtor to the trustee under ¶ 1, but not distributed by the trustee under ¶ 2, 3, 6, 7, 8, 9, 10 or 11 will be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.

13. **OTHER PROVISIONS** —

***The plan is a step plan which will pay as follows: \$200.00 Monthly for 10 months, then \$260.00 Monthly for 14 months, then \$285.00 Monthly for 12 months**

No provision for secured claim of OneMain Financial as vehicle will be surrendered. Credit will be allowed an unsecured claim for the deficiency balance owed.

In the event relief from stay is granted as to any creditor in Section 5, the trustee shall pay the deficiency claim filed by the creditor as an unsecured claim without priority.

14. **SUMMARY OF PAYMENTS** —

Trustee's Fee [Line 2]	\$	906.00
Home Mortgage Defaults [Line 6(a)]	\$	0.00
Claims in Default [Line 7(a)]	\$	0.00
Other Secured Claims [Line 8(a)]	\$	0.00
Priority Claims [Line 9(d)]	\$	6,211.68
Separate Classes [Line 10(a)]	\$	0.00
Unsecured Creditors [Line 11]	\$	1,942.32
TOTAL [must equal Line 1(d)]	\$	9,060.00

Insert Name, Address, Telephone and License Number of Debtor's Attorney:

Richard J Pearson 130308
Prescott & Pearson, P.A.
Po Box 120088
New Brighton, MN 55112-0088
(651) 633-2757
130308

Signed **/s/ John W Thomas**

John W Thomas
DEBTOR

Signed **/s/ Dena A Thomas**

Dena A Thomas
DEBTOR (if joint case)

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

JOHN W THOMAS
DENA A THOMAS

BKY No. 12-41703
Chapter 13

Debtor(s)

NOTICE OF HEARING TO APPROVE MODIFIED PLAN

TO: The debtor(s); US Trustee; Chapter 13 Trustee; and creditors and parties in interest.

1. The debtor(s), by the undersigned attorney, moves the court for approval of the modified plan dated October 9, 2012.
2. The court will hold a hearing on this motion at 10:30 a.m. on November 15, 2012 in Courtroom No. 8W, U.S. Bankruptcy Court, U.S. Courthouse, 300 S. Fourth St., Minneapolis, MN 55415.
3. Any objection to this modified plan must be filed and served by delivery not later than November 9, 2012 which is 5 days before the time set for the hearing including Saturdays, Sundays and holidays. **UNLESS AN OBJECTION TO THE PLAN IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**
4. This court has jurisdiction over this motion pursuant to 28 U.S.C. Sec 157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1. The petition commencing this Chapter 13 case was filed March 26, 2012. This case is now pending in this court.
5. The plan is being modified to satisfy the concerns of the Chapter 13 Trustee.

Dated: October 9, 2012

Prescott & Pearson, P.A.

/s/ Richard J. Pearson

Richard J. Pearson #130308
Attorneys for Debtor
443 Old Highway Eight #208
New Brighton, MN 55112-008
Telephone: (651) 633-2757

VERIFICATION

John W. Thomas and Dena A. Thomas, the Debtor(s) named in the Motion, declare(s) under penalty of perjury that the information therein contained is correct to the best of our knowledge, information and belief.

Dated: OCTOBER 9, 2012

Signed: _____


John W. Thomas, Debtor

Signed: _____


Dena A. Thomas, Debtor

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

JOHN W THOMAS

DENA A THOMAS

BKY No. 12-41703

Chapter 13

Debtor(s)

**UNSWORN DECLARATION
OF SERVICE**

Lindy Voss, an employee at Prescott & Pearson, P.A., a law firm licensed to practice law in this court, with offices at 443 Old Highway 8 Northwest, New Brighton, Minnesota 55112, declares under penalty of perjury that on October 9, 2012, I mailed the annexed NOTICE OF HEARIN TO APPROVE MODIFIED PLAN and MODIFIED CHAPTER 13 PLAN by first class mail postage prepaid to each entity named below at the address stated for each entities:

SEE ATTACHED LIST

and delivered to each entity below by way of electronic transmission by the United States Bankruptcy Court:

US Trustee

Jasmine Z. Keller, Chapter 13 Trustee

Executed on: October 9, 2012

/s/ Lindy Voss

Lindy Voss

ACE CASH EXPRESS
4100 CENTRAL AVE
COLUMBIA HEIGHTS MN 55421

ACE MINNESOTA CORP
4110 CENTRAL AVE NE
COLUMBIA HEIGHTS MN 55421

AFFILIATED CREDIT SVCS
PO BOX 7739
ROCHESTER MN 55903-7739

AL'S CHECK CASHING
1434 93RD LN NW
BLAINE MN 55433

ALLINA HOSP & CLINICS
2925 CHICAGO AVE
MINNEAPOLIS MN 55407-1321

ALLINA MEDICAL LABS
MAIL ROUTE 20201
PO BOX 342
MINNEAPOLIS MN 55440-0342

ANOKA HENNEPIN FCU
3505 NORTHDAL BLVD NW
COON RAPIDS MN 55448

CAPITAL MGMT SVCS
726 EXCHANGE ST STE 700
BUFFALO NY 14210

CAPITAL ONE BANK USA NA
PO BOX 71083
CHARLOTTE NC 28272-1083

CAPITAL ONE MASTERCARD
6125 LAKEVIEW RD
SUITE 800
CHARLOTTE NC 28269-2605

CHASE BANK CARD SVCS
201 N WALNUT ST FL 2
WILMINGTON DE 19801-2901

CHILDRENS HOSP & CLINICS
SDS 12-1580
PO BOX 86
MINNEAPOLIS MN 55486-1580

CITIBANK MASTERCARD
CENTRALIZED BANKRUPTCY
PO BOX 20507
KANSAS CITY MO 64195

CONNEXUS ENERGY
PO BOX 1808
MINNEAPOLIS MN 55480-1808

CONSULTING RADIOLOGISTS
1221 NICOLLET AVE STE 600
MINNEAPOLIS MN 55403-2444

CREDIT COLLECTION SVCS
TWO WELLS AVE
NEWTON MA 02459

DISH NETWORK
DEPT 0063
PALATINE IL 60055-0063

DIVERSIFIED ADJUSTMENT
PO BOX 32145
FRIDLEY MN 55432

DR MELISSA HUTCHENS DDS
538 SO MAIN ST STE 130
CAMBRIDGE MN 55008

ENHANCED RECOVERY
8014 BAYBERRY RD
JACKSONVILLE FL 32256

EQUABLE ASCENT FINANCIAL
1120 W LAKE COOK RD
SUITE B
BUFFALO GROVE IL 60089-1970

EXPRESS PAYDAY LOANS
106 E LAKE ST
MINNEAPOLIS MN 55408

GC SERVICES
6330 GULFTON
HOUSTON TX 77081

GURSTEL CHARGO PA
6681 COUNTRY CLUB DR
GOLDEN VALLEY MN 55427

HEIGHTS FINANCE CORP
2103 COULEE RD
HUDSON WI 54016

HILCO RECEIVABLES
1120 W LAKE COOK RD
SUITE B
BUFFALO GROVE IL 60089-1970

HSBC MASTERCARD
BANKRUPTCY DEPT
PO BOX 5264
CAROL STREAM IL 60197-5264

IC SYSTEMS INC
PO BOX 64887
ST PAUL MN 55164-0887

INTERNAL REVENUE SVC
PO BOX 7346
PHILADELPHIA PA 19101-7346

INTERNAL REVENUE SVC
30 E 7TH ST
STE 1222 STOP 5700
ST PAUL MN 55101

JC CHRISTENSEN & ASSOC
PO BOX 519
SAUK RAPIDS MN 56379-0519

JOHN AND DENA THOMAS
1826 BUCHANAN ST SE
CAMBRIDGE MN 55008

MESSERLI & KRAMER PA
3033 CAMPUS DR STE 250
PLYMOUTH MN 55441

MINNCO CREDIT UNION
235 1ST AVE W
CAMBRIDGE MN 55008-1528

MN DEPT OF REVENUE
551 BKY SECTION CEU DEPT
PO BOX 64447
ST PAUL MN 55164

NORAN NEUROLOGICAL
2828 CHICAGO AVE
MINNEAPOLIS MN 55407-1544

NORTH SHORE AGENCY
HAMILTON COLLECTION
PO BOX 9205
OLD BETHPAGE NY 11804-9005

ONEMAIN FINANCIAL
FKA CITIFINANCIAL
PO BOX 183172
COLUMBUS OH 43218-3172

PAYDAY AMERICA
181 RIVER RIDGE CIRCLE SOUTH
BURNSVILLE MN 55337

PORTFOLIO RECOVERY
PO BOX 12914
NORFOLK VA 23541

PORTFOLIO RECOVERY ASSOC
CO RECOVERY MANAGE SYS CORP
25 SE 2ND AVE STE 1120
MIAMI FL 33131-1605

PORTFOLIO RECOVERY ASSOC
CO AMERITECH
POB 12914
NORFOLK VA 23541

PYOD LLC
CO RESURGENT CAPITAL SERVICES
PO BOX 10675
GREENVILLE SC 29675-0675

QUANTUM3 GROUP LLC
ACE CASH EXPRESS INC
PO BOX 788
KIRKLAND WA 98083-0788

RELIANCE RECOVERIES
PO BOX 29227
MINNEAPOLIS MN 55429-0227

RESURGENT MTG
PO BOX 19006
GREENVILLE SC 29602-9006

SANTANDER
PO BOX 961245
FORT WORTH TX 76161-1245

SANTANDER CONSUMER USA
PO BOX 560284
DALLAS TX 75356-0284

SECURITY AUTO LOANS
4900 HWY 169 N STE 205
NEW HOPE MN 55428-4017

SYNERGETIC COMMUNICATIONS
2700 E SELTICE WAY
SUITE 4
POST FALLS ID 83854-7545

T MOBILE
ATTN BANKRUPTCY
PO BOX 53410
BELLEVUE WA 98105-3410

UNLOAN COMPANY
727 HENNEPIN AVE
SUITE 500
MINNEAPOLIS MN 55403

US BANK COMPANY
205 E MAIN ST
ANOKA MN 55303

WELLS FARGO BK/OVERDRAFT REC
A0143-042
PO BOX 63491
SAN FRANCISCO CA 94163

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

John W Thomas
Dena A Thomas
Debtor(s).

SIGNATURE DECLARATION

Case No. 12-41703

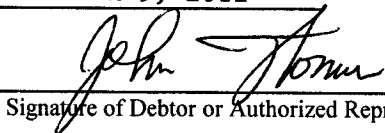
- ☐ PETITION, SCHEDULES & STATEMENTS
☐ CHAPTER 13 PLAN
☐ SCHEDULES AND STATEMENTS ACCOMPANYING VERIFIED CONVERSION
☐ AMENDMENT TO PETITION, SCHEDULES & STATEMENTS
☒ MODIFIED CHAPTER 13 PLAN
☐ OTHER (Please describe: _____)

I [We], the undersigned debtor(s) or authorized representative of the debtor, ***make the following declarations under penalty of perjury:***

- The information I have given my attorney and provided in the electronically filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct;
- The information provided in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case is true and correct;
- **[individual debtors only]** If no Social Security Number is included in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case, it is because I do not have a Social Security Number;
- I consent to my attorney electronically filing with the United States Bankruptcy Court my petition, statements and schedules, amendments, and/or chapter 13 plan, as indicated above, together with a scanned image of this Signature Declaration and the completed "Debtor Information Pages," if applicable; and
- **[corporate and partnership debtors only]** I have been authorized to file this petition on behalf of the debtor.

Date: OCTOBER 9, 2012

X

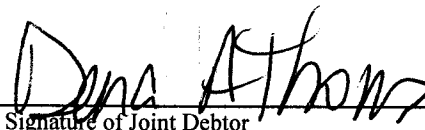


Signature of Debtor or Authorized Representative

John W Thomas

Printed Name of Debtor or Authorized Representative

X



Signature of Joint Debtor

Dena A Thomas

Printed Name of Joint Debtor

Form ERS 1 (Rev. 10/03)